

Manhasset Public Library Anti-Discrimination/Harassment Policy

It is the policy of the Manhasset Public Library that all our employees should be able to enjoy a work environment free of disruptive elements (e.g. noise, scents, etc.), discrimination and harassment. Manhasset Public Library strives to create and maintain a work environment in which people are treated with dignity, decency and respect. For that reason, Manhasset Public Library will not tolerate unlawful discrimination or harassment of any kind. Unlawful discrimination or harassment hurts the Manhasset Public Library and its employees. This policy has been established to foster understanding and to prevent unlawful discrimination or harassment.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension or termination of employment (Civil Service Law: Section 75), or any other disciplinary measure authorized by law.

This policy applies to all employees, volunteers, third parties and agents of the library, including supervisory and non-supervisory employees, and it applies to all phases of employment. It also applies to protect employees in the workplace from unwelcome conduct by non-employees, and all reasonable actions will be taken to protect employees from the actions of contractors, suppliers, patrons and others.

Manhasset Public Library, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

Discrimination:

It is a violation of Manhasset Public Library's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

Harassment:

Manhasset Public Library prohibits harassment, including sexual harassment, of any kind, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any person working for or on behalf of Manhasset Public Library. Verbal taunting (including racial and ethnic slurs) that, in the employee's opinion, impairs his or her ability to perform his or her job is included in the definition of harassment. The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.
- Behavior that is inappropriate in our workplace includes abusive conduct, bullying, coercion, hounding, browbeating and other forms of disruptive behavior.

While it is not the intent of this policy to regulate the social interaction, social discourse or relationships freely entered into by employees, there will be no tolerance for unwelcome conduct that violates this policy. Additionally, every employee enjoys the right to free expression and conversely, the right to ask that another's view not be foisted upon them in a bully-like, intimidating, harassing manner. This policy intends to ensure a library work place culture of tolerance and mutual respect.

Sexual Harassment:

As with discrimination involving race, color, religion, age, sexual orientation, disability and national origin, Manhasset Public Library also prohibits sex discrimination, including sexual harassment of its employees in any form. Manhasset Public Library will take all steps necessary to prevent and stop the occurrence of sexual harassment in the workplace.

1. Manhasset Public Library prohibits conduct including, but not limited to, inappropriate forms of behavior described under the section entitled "Definition of Sexual Harassment."

2. The Board of Trustees, the Library's Director, department heads, and supervisory personnel are responsible for ensuring a work environment free from unsolicited and unwelcomed or intimidating sexual overtures. Supervisors must take immediate and appropriate corrective action when instances of sexual harassment come to their attention to assure compliance with this policy.

3. Any employee, member of the Board of Trustees or other person in a contractual relationship with Manhasset Public Library who is found to have committed an act of sexual harassment may be subject to disciplinary action as provided by Manhasset Public Library operating procedures, which may include termination. Additionally, retaliation against any employee who has filed a sex discrimination or sexual harassment complaint is illegal and may result in disciplinary action.

4. All employees will be held responsible and accountable for avoiding or eliminating prohibited conduct. Employees are to be encouraged to report violations of this policy to their supervisor or to a member of the Board of Trustees.

Definition of Sexual Harassment:

1. Sexual advances that are not welcome, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- A. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; or
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, or termination, affecting such individual; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive working environment.

2. Sexual harassment refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that may, therefore, interfere with an employee's work performance and effectiveness or creates an intimidating, hostile, or offensive working environment.

3. Specific forms of behavior that Manhasset Public Library considers sexual harassment include, but are not limited to, the following:

- A. VERBAL - Abusive verbal language related to an employee's sex, including sexual innuendos, slurs, suggestive, derogatory, or insulting comments or sounds, repetitive gender based comments, whistling, jokes of a sexual nature, sexual propositions, and threats. Sexually oriented comments about an employee's body that are unwelcome and/or unreasonably interfere with an employee's work performance, or create an intimidating, hostile, or offensive working environment. Any sexual advance that is unwelcome or any demand for sexual favors.

- B. NON-VERBAL - Abusive written language, showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering or obscene gestures in the workplace such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.
- C. PHYSICAL - Physical contact which is not welcome, including touching, petting, pinching, sexual intercourse, assault, or intentional/persistent brushing up against a person's body.

Retaliation:

No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Any person who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination of employment.

Procedure:

Manhasset Public Library has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. Manhasset Public Library will treat all aspects of the procedure confidentially to the extent reasonably possible.

1. Individuals who believe they have been subjected to harassment from either a co-worker or a supervisor are encouraged to make it clear to the offender that such behavior is offensive to them and unwelcome. Employees should report incidents of discrimination, harassment or retaliation to the Library Director as soon as possible after their occurrence. However, if the Library Director is believed to be involved in the incident, the report should be made directly to the President of the Board of Trustees.

2. If an employee believes he/she has been discriminated against, harassed or is the subject of retaliation and would like to obtain guidance as to how to proceed in filing a complaint, that employee should contact the Library's Director.

3. Generally, all written complaints must be filed by the complainant within 180 days of the alleged act of harassment.

4. All complaints will be handled in a timely and confidential manner. In no event will information concerning a complaint be released by the Manhasset Public Library to any third party or to anyone within Manhasset Public Library's employment who is not directly involved in the investigation.

5. Investigation of a complaint will normally include conferring with the parties

involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident (s) occurred. Confidentiality will be maintained throughout the investigatory process.

6. Employees who believe they have been unjustly charged with harassment will be afforded every opportunity to offer and present information in their defense. Such information will be confidential.

Every employer in New York State is required to provide employees with sexual harassment prevention training. Each employee must receive training on an annual basis, starting October 9, 2018. The training must

- be interactive
- include an explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights
- include examples of conduct that would constitute unlawful sexual harassment
- include information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment
- include information concerning employees' rights of redress and all available forums for adjudicating complaints
- include information addressing conduct by supervisors and any additional responsibilities for such supervisors

Upon completion of the online or in person sexual harassment training, all staff members and employees should retain certification and submit this proof to administration.

Nothing in this policy should be construed as in any way limiting any employee's existing rights to file a grievance, or to file complaint with the New York State Division of Human Rights or the United States Equal Employment Opportunity Commission, or to take any legal action which he or she may deem advisable. Anyone found to have engaged in harassment and/or discrimination shall be subject to discipline, up to and including discharge.

The Board of Trustees of the Manhasset Public Library will affirm this policy on an annual basis.

**COMPLAINT OF DISCRIMINATION OR HARASSMENT
(FORM "A")**

NAME OF COMPLAINANT: _____

ADDRESS: _____

HOME PHONE: _____ WORK PHONE: _____

DATE OF HIRE: _____

DEPARTMENT EMPLOYED IN: _____

DEPARTMENT HEAD: _____

NAME & TITLE OF PERSON (S) COMPLAINED OF:

DATE (S) OF INCIDENT (S): _____ TIME: _____

DESCRIPTION OF INCIDENT (S): _____

NAME OF ANYONE WHO HAS WITNESSED HARASSMENT: _____

NAME OF ANYONE IN WHOM YOU HAVE CONFIDED: _____

ARE YOU STILL EMPLOYED WITH MANHASSET PUBLIC LIBRARY: _____?

ACTION YOU ARE SEEKING: _____

SIGNATURE: _____ DATE: _____

**NOTICE OF WITHDRAWAL OF COMPLAINT OF
DISCRIMINATION OR HARASSMENT
(Form "B")**

COMPLAINANT'S NAME: _____

TITLE & DEPARTMENT: _____

DATE COMPLAINT FILED: _____

DEPARTMENT HEAD NOTIFIED: _____

I hereby withdraw this complaint and agree that no further action is required on it.

Complainant's Signature

Date